

REMARKS

Independent claims 1, 7, 14, 22, 37 and 40 stand rejected under 35 U.S.C. § 112, first and second paragraphs. Independent claims 1, 7, 14, 22, 37 and 40 each include a limitation "a condition of the image sensor during capture of the graphical object," which is not a new subject matter. However, as set forth below, support for this limitation may be found at page 5, line 29 through page 6, line 2. Therefore, the Examiner mistakenly refers to this claim limitation "a condition of the image sensor during capture of the graphical object" as adding new matter.

For example, the Applicants' specification states that "illuminant tag information such as the mediaWhitePointTag may be used to record the XYZ (e.g., the PCS color space) values of the capture media's (e.g., digital "film") white point." As an example, the capture media, such as the digital film normally varies in characteristics including speed and quality of the capturing material. In other words, an image sensor typically comprises a device and an associated capture media for capturing the image. However, the illuminant tag information that may be used to record the XYZ (e.g., the PCS color space) values of the capture media's (e.g., digital "film") white point supports the limitation that calls for the condition of the image sensor during capture of the graphical object.

Independent claims 1, 7, 14, 22, 37 and 40 stand rejected under 35 U.S.C. § 102(b) over patent to Starkweather (U.S. Patent No. 5,694,227). The method of claim 1 includes receiving a graphical object together with associated image information relating to a condition of an image sensor during capture of the graphical object. The Starkweather reference instead teaches receipt of the display image data, however, not together with the calibration data that does not relate to a condition of image sensor during capture of the same image to which the display image data belongs. Therefore, the Applicants respectfully request the withdrawal the § 102 rejection of independent claim 1, as deemed to be in condition for allowance, absent anticipation by the cited reference. For the reason alone that the rejected dependent claims to claim 1 depends from an allowable independent claim, the Starkweather reference fails to anticipate these dependent claims.

Specifically, without a teaching as to receiving the display image data together with the calibration data or that the sensor characteristic data relates to a condition of an image sensor during capture of the display image data, the Starkweather reference fails to anticipate the

limitation in claim 1, "receiving a graphical object together with associated image information relating to a condition of an image sensor during capture of the graphical object." That is, Starkweather teachings pertaining to receipt of the display image data (the graphical object) not together with the sensor characteristic data (e.g., associated image information) where the sensor characteristic data (associated image information) does not relate to a condition of an image sensor during capture of the display image data (the graphical object), clearly fail to anticipate claim 1 limitations as set forth above.

In this manner, teachings of Starkweather cannot anticipate generating a device profile based on the associated image information and are unable to identify such device profile to a color management system, as claimed in claim 1. No support can be found in the Starkweather reference either as to the associated image information that relates to a condition of an image sensor during capture of the graphical object. At least for the reasons presented above, other independent claims 7, 14, 22, 37 and 40 rejected over the Starkweather reference should be allowable. In addition, respective dependent claims which depend from these allowable independent claims 7, 14, 22, 37 and 40 are in condition for allowance since they depend from a corresponding allowable independent claim.

Claim 15 stands rejected under 35 U.S.C. § 103(a) over Starkweather and further in view of Hayes (U.S. Patent No. 6,283,858). The Examiner asserts that the language in the Hayes' reference involving a device such as a digital camera when used to modify the teachings of Starkweather results in the claim 15 limitations. Accordingly, the Examiner contends that a device such as a digital camera would provide motivation to generate images with details similar to in real life, resulting in a system including a device in which the image profile information relating to a condition of the device during capture of the graphical object may be used to generate a device profile based on the image profile information portion. However, this conclusion is incorrectly drawn because modifying the Starkweather reference using the Hayes reference would fail to provide a device such as a digital camera with the limitations in claim 15 based on the remarks respectfully submitted. Accordingly, claim 15 cannot be rendered obvious and should be allowable.

As to claim 21, the Examiner is respectfully requested to reconsider the § 103 rejection at least for the same reasons as set forth above, in view of claim 1. Independent claims 1, 7 and 14, which stand rejected under 35 U.S.C. § 103(a) over Hiroyuki Sakuyama et al. (U.S. Patent No. 6,226,011, hereinafter "Sakuyama") and further in view of Starkweather should be allowable, considering the reasons presented above in the context of patentability of claim 1 alone. Claim 22 stands rejected under 35 U.S.C. § 103(a) over patent to Christopher J. Edge (U.S. Patent No. 6,088,038, hereinafter "Edge") and further in view of Starkweather, however, patentably distinguishes over the references cited again solely depending upon the fact that claim 1 is in condition for allowance.

As to the remaining independent and dependent claims that stand rejected, to the extent that characterizations of the cited references or Applicants' claimed subject matter are not specifically or adequately addressed at least in view of the above reasons, it is to be understood that the Applicants do not acquiesce to such characterizations pertaining to the rejected claims. Pursuant to the M.P.E.P. Rules, the Examiner is respectfully requested to cite a reference in each instance where an Official Notice was taken or a specific hint or a suggestion within the cited references was not indicated to support the assertions by the Examiner. The Examiner is respectfully requested to reconsider the pending claims.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,



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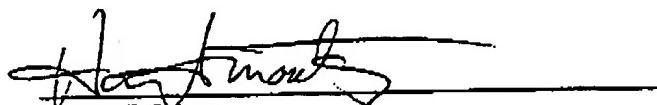
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